

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TERRENCE JOSEPH MCGUIRK,

Movant,

v.

Case No. 2:23-cv-00816

Case No. 2:18-cr-00225-05

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION and ORDER
SEALING DOCUMENT

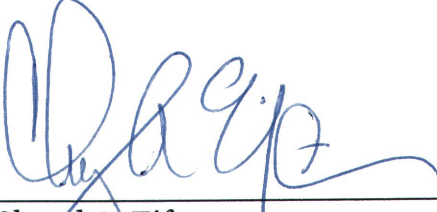
Movant has filed additional exhibits in support of his Motion to Vacate, Set Aside, or Correct Sentence. (ECF No. 1132-1 through 1132-6). Exhibit No. 1132-2 contains information already subject to an order of nondisclosure. Therefore, the Court **ORDERS** the Clerk to **SEAL** Exhibit No. 1132-2. This Exhibit should be sealed, because it contains confidential law enforcement information, or involves individuals other than Movant, or is already subject to an order of nondisclosure.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the Exhibit shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to

interested members of the public. The Court has considered less drastic alternatives to sealing Exhibit No. 1132-2, but in view of the nature of the information set forth in the documents-which is information generally protected from public release-alternatives to wholesale sealing are not feasible at this time. Accordingly the Court finds that sealing the exhibit does not unduly prejudice the public's right to access court documents. To the extent portions of the sealed documents become key to a resolution of the § 2255 Motion in this case, the Court will revisit this Order Sealing Exhibits.

The Clerk is instructed to provide a copy of this Order to the Movant and all counsel of record.

ENTERED: April 15, 2024



Cheryl A. Eifert
United States Magistrate Judge